

**REMARKS**

This Amendment responds to the Office Action dated May 1, 2007 in which the Examiner rejected claims 11, 12, 14, 15, 17 and 18 under 35 U.S.C. §102(b), and rejected claims 1-3, 5-6, 8-9 and 20-25 under 35 U.S.C. §103.

As indicated above, claims 1, 5, 8, 11, 14 and 17 have been amended to make explicit what is implicit in the claims and to conform to terminology in the dependent claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image processor, claim 5 claims a method of image processing and claim 8 claims a computer a program. The image processor, method and program include first and second decision controllers, and a color decision controller. The first decision controller decides whether each input color component gradation value of a target pixel exists in first ranges. The second decision controller decides whether differences between each color component gradation value of the target pixel and those of pixels adjacent thereto exist in second ranges different from the first ranges. The color decision controller decides that the target pixel has a specified color when the first decision controller decides that each color component gradation value of the target pixel exists in the first ranges and the second decision controller decides that the differences exist in the second ranges.

Through the structure, method and program of the claimed invention determining that a target pixel has a specified color, as claimed in claims 1, 5 and 8, the claimed invention provides an image processor, method and program which can detect a pattern with high precision. The prior art does not show, teach or suggest the invention as claimed in claims 1, 5 and 8.

Claim 11 claims an image processor, claim 14 claims a method of image processing and claim 17 claims a computer program. The image processor, method and program include first and second decision controllers, and a color decision controller. The first decision controller decides whether each input color component gradation value of the target pixel exists in first ranges. The second decision controller performs a linear calculation between each color component gradation value of the target pixel and decides whether results of the calculation exist in second ranges different from the first ranges. The color decision controller decides that the target pixel has a specific color when the first decision controller decides that each color component gradation value of the target pixel exists in the first ranges and the second decision controller decides that the results exist in the second ranges.

Through the structure, method and program of the claimed invention deciding whether each input color component gradation value of a target pixel exists in first ranges and performing a linear calculation between each color component gradation value of the target pixel as claimed in claims 11, 14 and 17, the claimed invention provides an image processor, method and program which can detect a specific color and pattern with high precision. The prior art does not show, teach or suggest the invention as claimed in claims 11, 14 and 17.

Claims 11, 12, 14, 15, 17 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by *Inoue* (JP 11-075073).

*Inoue* appears to disclose improving a processing efficiency of a black/white image by accurately discriminating a color image from the black/white image, and accurately discriminating the black/white image including a medium tone component

and the black/white image not including it and using only the image not including the medium tone component as the black/white image. The processing unit is provided with a read section 10 that obtains plural color signal data (RGB) from each pixel of an image and a color/black/white image discrimination section 25 of the read section 10 discriminates the image to be a black/white image not including a medium tone image when a gradation level difference of each of color signal data (RGB) is  $\leq$  a prescribed value and a mean value of gradation levels of each of the color signal data (RGB) is  $\leq$  a 1st threshold level or  $\geq$  a 2nd threshold level that is higher than the 1st threshold level in the all pixels of the image. (Abstract).

[0024]

[Equation 1]

$$\left| R - \frac{R+G+B}{3} \right| < k \quad \text{and}$$

$$\left| G - \frac{R+G+B}{3} \right| < k \quad \text{and}$$

$$\left| B - \frac{R+G+B}{3} \right| < k$$

[0025]

[Equation 2]

$$\frac{R+G+B}{3} < \alpha \quad \text{or}$$

$$\beta < \frac{R+G+B}{3}$$

[0026] With the formula 1, when the absolute value of the difference of the gradation level value and average value of each chrominance-signal data is below a predetermined value (k), it has judged that there is almost no gradation level difference of each chrominance-signal data. Therefore, it is an ideal that a

predetermined value (k) is a positive-number value near "0." On the other hand, with the formula 2, it has judged whether the average of the gradation level value of each chrominance-signal data is smaller than the 1st threshold (alpha) used as the decision criterion of a black pixel, or the average of the gradation level value of each chrominance-signal data is larger than the 2nd threshold (beta) used as the decision criterion of a white pixel.

Thus, *Inoue* merely discloses equation 2 which determines whether the average of a gradation level value is smaller than a black pixel or whether the average of the gradation level value is larger than a white pixel [0026]. Nothing in *Inoue* shows, teaches or suggests determining whether each color component gradation value is within a first range as claimed in claims 11, 14 and 17. Rather, *Inoue* clearly discloses that the average of the gradation levels are used.

Additionally, *Inoue* merely discloses equation 1 which determines an absolute value of a difference of a gradation level value and an average value of each chrominance-signal data is below a predetermined value. Thus, nothing in *Inoue* shows, teaches or suggests a linear calculation between each color component gradation value of the target pixel as claimed in claims 11, 14 and 17. Rather, *Inoue* clearly discloses a difference between the gradation level value and an average value.

Since nothing in *Inoue* shows, teaches or suggests a) determining whether each input color component gradation value exists in first ranges and b) performing a linear calculation between each color component value of the target pixel as claimed in claims 11, 14 and 17, Applicants respectfully request the Examiner withdraws the rejections to claims 11, 14 and 17 under 35 U.S.C. §102(b).

Claims 12, 15 and 18 recite additional features. Applicants respectfully submit that claims 12, 15 and 18 would not have been anticipated by *Inoue* within the meaning of 35 U.S.C. §102(b) at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 12, 15 and 18 under 35 U.S.C. §102(b).

Claims 1, 5 and 8 were rejected under 35 U.S.C. §103 as being unpatentable over *Kikuchi et al.* (U.S. Patent 6,219,382) in view of *Inoue*.

*Kikuchi et al.* appears to discloses a system for detecting a change in scenes (a scene change) represented by a moving picture signal. (Column 1, lines 9-11). In the moving picture search apparatus of the fifth basic embodiment, the second means comprises means for detecting a color of each of pixels composing a block, means for comparing the detected color with a reference color range, means for calculating a difference between the detected color of each of pixels and the detected color of a neighboring pixel, means for comparing the calculated difference with a reference difference, and means for, when the detected color is in the reference color range and the calculated difference is in the reference difference, deciding that the related pixel forms a portion of a caption. (Column 12, lines 47-58).

Thus, *Kikuchi et al.* merely discloses at column 20, lines 30-45, determining if a pixel forms a portion of a caption. Nothing in *Kikuchi et al.* shows, teaches or suggests determining if a target pixel has a specified color when each color component value exists in first ranges and differences when adjacent pixels exist in second ranges as claimed in claims 1, 5 and 8. Rather, *Kikuchi et al.* is merely directed to determining if a pixel forms a portion of a caption.

As discussed above, *Inoue* merely discloses a formula in which the average of a gradation level value of each chrominance-signal data is smaller than a black pixel or larger than a white pixel. Nothing in *Inoue* shows, teaches or suggests determining whether each input color component gradation value exists in first ranges as claimed in claims 1, 5 and 8. Rather, *Inoue* clearly teaches away from the claimed invention since an average of the gradation values is compared to first and second thresholds.

Furthermore, as discussed above, *Inoue* merely discloses an absolute value of a difference of the gradation level value and average value of each chrominance-signal data is below a predetermined value. Thus, nothing in *Inoue* shows, teaches or suggests differences between each color component gradation value of the target pixels and adjacent pixels as claimed in claims 1, 5 and 8. Rather, *Inoue* only discloses a difference between the gradation level value and an average value.

A combination of *Kikuchi et al.* and *Inoue* would merely suggest to determine if a pixel is part of a caption, as taught by *Kikuchi et al.* and to determine if an average gradation level is smaller than a black pixel or larger than a white pixel as taught by *Inoue*.

Since neither *Kikuchi et al.* or *Inoue* show, teach or suggest a) determining whether each input color component gradation value of a target pixel exists in first ranges, b) deciding whether differences between each color component gradation value of the target pixels and those of pixels adjacent thereto exist in second ranges different from the first ranges and c) determining if a target pixel has a specific color as claimed in claims 1, 5 and 8, Applicants respectfully request the withdraws the rejection to claims 1, 5 and 8 under 35 U.S.C. §103.

Claims 2, 3, 6 and 9 were rejected under 35 U.S.C. §103 as being unpatentable over *Kikuchi et al.* in view of *Inoue* and further in view of *Mutoh et al.* (U.S. Patent 6,631,210). Claims 20-22 were rejected under 35 U.S.C. §103 as being unpatentable over *Kikuchi et al.* in view of *Mutoh et al.* and further in view of *Sonoda et al.* (U.S. Patent 6,115,494). Claims 23-25 were rejected under 35 U.S.C. §103 as being unpatentable over *Inoue* in view of *Sonoda et al.*.

Applicants respectfully traverse the Examiner's rejection of claims 2, 3, 6, 9 and 20-25 under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Kikuchi et al.* or *Inoue* show, teach or suggest the primary features as claimed in claims 1, 5, 8, 11, 14 and 17, Applicants respectfully submit that the combination of these references with the secondary references to *Mutoh et al.* or *Sonoda et al.* will not overcome the deficiencies of the primary references. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-3, 6, 9 and 20-25 under 35 U.S.C. §103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 30, 2007

By: William C. Rowland  
William C. Rowland  
Registration No. 30888

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620